



General Assembly

January Session, 2009

**Committee Bill No. 324**

LCO No. 4429

\*04429SB00324GL\_\*

Referred to Committee on General Law

Introduced by:  
(GL)

**AN ACT REQUIRING THE LICENSING AND OVERSIGHT OF PRIVATE  
SOLID WASTE HAULERS.**

Be it enacted by the Senate and House of Representatives in General  
Assembly convened:

1       Section 1. (NEW) (*Effective January 1, 2010*) As used in sections 1 to 7,  
2       inclusive, of this act:

3       (1) "Engaged in the collection of solid waste" means in the business  
4       of collection and transportation of solid waste from its location to a  
5       solid waste facility.

6       (2) "Solid waste" has the same meaning as set forth in section 22a-  
7       207 of the general statutes.

8       (3) "Business entity" means any corporation, association, firm,  
9       partnership, trust or other form of commercial organization.

10      (4) "Equity" means a financial interest or ownership right in  
11      property.

12      (5) "Solid waste facility" has the same meaning as set forth in section  
13      22a-207 of the general statutes. A solid waste facility shall not include a

14 municipal or regional authority or any facility operated by a  
15 municipality or by the state.

16 (6) "Licensee" means any person issued a license pursuant to section  
17 3 of this act.

18 (7) "Commissioner" means the Commissioner of the Department of  
19 Consumer Protection.

20 (8) "Affiliate" or "affiliated" means a person that directly, or  
21 indirectly through one or more intermediaries, controls, is controlled  
22 by or is under common control with another person.

23 (9) "Control", "controlled by" or "under common control with"  
24 means the possession, direct or indirect, of the power to direct or cause  
25 the direction of the management and policies of a person, whether  
26 through the ownership of voting securities, by contract other than a  
27 commercial contract for goods or nonmanagement services, or  
28 otherwise, unless the power is the result of an official position with the  
29 person.

30 Sec. 2. (NEW) (*Effective January 1, 2010*) (a) No person shall engage  
31 in the collection of solid waste without a license issued by the  
32 Department of Consumer Protection under section 3 of this act. The  
33 license shall be valid for a period of five years and renewable. The  
34 provisions of this section shall not apply to any state, municipal or  
35 quasi-public agency.

36 (b) The license application filed pursuant to this section shall  
37 include, but not be limited to, the following:

38 (1) The full name and business address of the applicant, or if the  
39 applicant is a business entity, its full name, including any other name  
40 by which the business entity has been known in the ten years  
41 preceding the filing of the application, its business address, its state of  
42 incorporation and the name and address of each officer, director,

43 manager or partner and the name of any person or business entity  
44 which directly, or indirectly through another business entity, holds  
45 five per cent or more of equity or debt liability in the applicant;

46 (2) The full name and address of any business entity engaged in the  
47 collection of solid waste of which the applicant has been an officer,  
48 director, manager or partner, or in which the applicant has held  
49 directly, or indirectly through another business entity, five per cent or  
50 more of equity or debt liability in the applicant, during the five years  
51 preceding the filing of the application;

52 (3) A description of the experience and credentials possessed by the  
53 applicant, or if the applicant is a business entity, the experience and  
54 credentials possessed by its officers, directors, managers or partners in  
55 the collection of solid waste. Such description shall include past and  
56 present licenses, permits and approvals for the collection of solid  
57 waste;

58 (4) Information regarding any notices of violations of administrative  
59 orders, civil proceedings or license revocations by any municipal, state  
60 or federal authority that occurred not more than ten years preceding  
61 the filing of the application, concerning a violation of any  
62 environmental protection law, rule or regulation by the applicant, or if  
63 the applicant is a business entity, concerning such a violation by an  
64 officer, director, partner thereof, or any person or business entity,  
65 which directly, or indirectly through another business entity, holds  
66 five per cent or more of equity or debt liability in the applicant;

67 (5) Information regarding any pending charges in any state  
68 involving violations of, or civil judgments of liability or criminal  
69 convictions of, any municipal, state or federal law against the  
70 applicant, or if the applicant is a business entity, such judgments or  
71 convictions against any officer, director or partner or any person or  
72 business entity, which directly, or indirectly through another business  
73 entity, holds five per cent or more of equity or debt liability in the

74 applicant;

75 (6) A certification that all federal, state and local taxes have been  
76 paid for the five years preceding the date of the application;

77 (7) The name and address of any solid waste facility operated by the  
78 applicant;

79 (8) Fully audited financial information as to the financial condition  
80 of the applicant for the preceding three fiscal years, or for such lesser  
81 period as such applicant has been in existence;

82 (9) A list and detailed description of all affiliates of the applicant;  
83 and

84 (10) Any other information the commissioner may require in  
85 regulations adopted pursuant to section 7 of this act.

86 (c) The commissioner shall require the applicant or, if the applicant  
87 is a business entity, any director, officer, partner or owner of more than  
88 five per cent of the total outstanding stock of any class of the  
89 applicant's business to submit to state and national criminal history  
90 records checks in accordance with section 29-17a of the general  
91 statutes.

92 Sec. 3. (NEW) (*Effective January 1, 2010*) (a) The commissioner may  
93 issue, deny, modify, renew, suspend or revoke a solid waste hauling  
94 license under such conditions as the commissioner may prescribe and  
95 upon submission of such information as the commissioner may  
96 require, in accordance with this section and the regulations adopted  
97 pursuant to section 7 of this act.

98 (b) The commissioner may deny an application for a new license for  
99 solid waste hauling or the renewal of such license or revoke a license  
100 for solid waste hauling issued pursuant to this section, if: (1) The  
101 commissioner determines that the applicant has not exhibited expertise  
102 or competence in the area of collection of solid waste; (2) any person

103 listed in the license application has been convicted by a court of  
104 competent jurisdiction of the following: Murder; robbery; bribery;  
105 extortion; criminal usury; arson; burglary; tax evasion; tax fraud;  
106 felonious acts of larceny; forgery; fraud in the offering; alteration of  
107 motor vehicle identification numbers; violation of any provision of  
108 chapter 420b of the general statutes; racketeering; or any violation of a  
109 criminal or civil provision of the federal or state environmental  
110 protection or antitrust law, rule or regulation; (3) the applicant fails to  
111 submit any of the information required in the permit application  
112 pursuant to section 2 of this act; (4) the financial condition of the  
113 licensee or applicant is such as would harm consumers; or (5) the  
114 licensee has not conducted its business in compliance with the  
115 requirements of this act.

116 (c) If the commissioner denies, suspends, revokes or refuses to grant  
117 an application to modify or renew a license for solid waste hauling, the  
118 commissioner shall notify the applicant of such decision, the reason for  
119 such decision and of the applicant's right to request a hearing not later  
120 than ten days after the receipt of the notice of the commissioner's  
121 decision. If the applicant or licensee requests a hearing not later than  
122 ten days after the receipt of such notice, the commissioner shall  
123 conduct a hearing concerning such refusal, in accordance with the  
124 provisions of chapter 54 of the general statutes, concerning contested  
125 matters.

126 Sec. 4. (NEW) (*Effective January 1, 2010*) All licensees shall have an  
127 annual audit by an independent certified public accountant and shall  
128 file an audited financial report with the commissioner on or before  
129 June first for the year ended December thirty-first immediately  
130 preceding. The commissioner may require any licensee to provide such  
131 additional financial information as the commissioner deems necessary  
132 and appropriate to ensure that a licensee remains financially viable  
133 and is in compliance with the requirements of this act.

134 Sec. 5. (NEW) (*Effective January 1, 2010*) No transaction between a

135 licensee and one or more of its affiliates shall be effective until the  
136 licensee has notified the commissioner in writing of its intention to  
137 enter into such transaction at least thirty days prior thereto, or such  
138 shorter period as the commissioner may permit, and the commissioner  
139 has approved or not disapproved it within such period. The  
140 commissioner may require the licensee to submit any information  
141 concerning the proposed transaction as the commissioner deems  
142 necessary to properly review and consider such transaction.

143       Sec. 6. (NEW) (*Effective January 1, 2010*) No person may merge with  
144 or acquire control of a licensee, whether directly or indirectly, until  
145 such merger or acquisition of control has been approved by the  
146 commissioner. The commissioner shall approve such merger or  
147 acquisition of control unless, following a public hearing, the  
148 commissioner finds that: (1) After the merger or change of control the  
149 licensee would not be able to satisfy the requirements for holding a  
150 license under this act; (2) the financial condition of the acquiring party  
151 is such as might jeopardize the financial stability of the licensee or  
152 harm consumers; or (3) the competence, experience and integrity of  
153 those persons who would control the operation of the licensee are such  
154 that it would not be in the interest of consumers or contract holders of  
155 the licensee or of the public to permit the merger or acquisition of  
156 control.

157       Sec. 7. (NEW) (*Effective from passage*) Not later than January 1, 2010,  
158 the commissioner shall adopt regulations, in accordance with the  
159 provisions of chapter 54 of the general statutes, to implement the  
160 provisions of sections 1 to 6, inclusive, of this act, including, but not  
161 limited to, establishment of a reasonable application fee sufficient to  
162 cover the costs of implementation of sections 1 to 6, inclusive, of this  
163 act and a requirement that the licensee has an ongoing duty to notify  
164 the commissioner of civil judgments of liability or convictions that  
165 would be disclosed on the application pursuant to subdivision (5) of  
166 subsection (b) of section 2 of this act, not later than five business days  
167 after such judgment or conviction. Such regulations shall also establish

168 a bill of rights for consumers concerning services provided by a  
 169 licensee. Such bill of rights shall contain provisions intended to protect  
 170 consumers, including, but not limited to, fairness in the conduct of  
 171 licensee contracts with consumers and adequate minimum notice  
 172 provisions for the termination of such contracts or increases in the  
 173 rates governing such contracts.

174 Sec. 8. (NEW) (*Effective January 1, 2010*) A violation of the provisions  
 175 of section 2, 4, 5 or 6 or of any regulation adopted pursuant to section 7  
 176 of this act constitutes an unfair trade practice under subsection (a) of  
 177 section 42-110b of the general statutes.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>January 1, 2010</i>	New section
Sec. 2	<i>January 1, 2010</i>	New section
Sec. 3	<i>January 1, 2010</i>	New section
Sec. 4	<i>January 1, 2010</i>	New section
Sec. 5	<i>January 1, 2010</i>	New section
Sec. 6	<i>January 1, 2010</i>	New section
Sec. 7	<i>from passage</i>	New section
Sec. 8	<i>January 1, 2010</i>	New section

***Statement of Purpose:***

To protect consumers by requiring the licensing and oversight of private solid waste haulers.

*[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]*

Co-Sponsors: SEN. CALIGIURI, 16th Dist.

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